

United States District Court  
Southern District of Texas  
FILED

## United States District Court

SOUTHERN

DISTRICT OF

TEXAS

MAR 20 2015

McALLEN DIVISION

UNITED STATES OF AMERICA

V.

## CRIMINAL COMPLAINT

Amando Garcia III  
A088 727 004  
United States CitizenPRINCIPAL  
YOB: 1982

Case Number:

M-15-0425-M

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about March 19, 2015 in Starr County, in the Southern District of Texas defendants(s) did,  
(Track Statutory Language of Offense)

knowing or in reckless disregard of the fact Jose Ovidio Hernandez-Cubias, a national of El Salvador, and Alvaro Antonio Gonzalez-Gallegos, a national of the El Salvador, along with two (2) other undocumented aliens, for a total of four (4), who had entered the United States in violation of law, did knowingly transport, or move or attempts to transport said aliens in furtherance of such violation of law within the United States, that is, from a location near Rio Grande City, Texas to the point of arrest near Rio Grande City, Texas,

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(ii) FELONY

I further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:

On March 19, 2015 Rio Grande City Border Patrol Agents were dispatched to assist Texas Department of Public Safety at the intersection of Cottonwood Ave. and Efren Ramirez St. in Roma, Texas. At approximately 5:50 p.m., Border Patrol Agent A. Hamilton arrived on scene with the Texas Department of Public Safety (DPS) Trooper. Trooper A. Constancio stated that he had observed the vehicle with expired temporary license plates and then subsequently performed a vehicle stop. Furthermore, Trooper A. Constancio stated that as he approached the vehicle he observed several subjects in the back seat.

Agent Hamilton then performed an immigration inspection of the driver and four passengers. The driver was identified as Amando GARCIA III, a United States Citizen. The four passengers were identified as two citizens of El Salvador and two citizens of Mexico, all of whom were illegally in the United States, without any Immigration documents to be or remain in the United States legally. After the determination of alienage all of the subjects were then placed under arrest. The apprehended subjects were then transported to the Rio Grande City Border Patrol Station for processing and the vehicle was seized.

SEE ATTACHED

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ NoApproved  
Joseph Leonard

Signature of Complainant

Michael K. Garza Senior Patrol Agent  
Printed Name of Complainant

Sworn to before me and subscribed in my presence,

March 20, 2015

Date

3:36pm at

McAllen, Texas  
City and StatePeter E. Ormsby, U. S. Magistrate Judge  
Name and Title of Judicial Officer

Signature of Judicial Officer

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
McALLEN, TEXAS**

**ATTACHMENT TO CRIMINAL COMPLAINT:**

**M-15-0425-M**

**RE: Amando Garcia III**

**A088 727 004**

**CONTINUATION:**

DPS Officer A. Constancio issued a citation to the subject for driving without a license, failure to maintain financial responsibility, and possession or delivery of drug paraphernalia. Subject was turned over to Border Patrol Agents.

**PRINCIPAL STATEMENT:**

The principal was advised of his rights as per Service Form I-214 and acknowledged his rights and was willing to make statements without the presence of an attorney.

Amando Garcia III stated that on March 19, 2015 he was hired to pick up narcotics in Garceno, Texas. Garcia III states that he was hired by a man called "Pelon" and was going to be paid between \$700.00 and \$800.00 USD for transporting the narcotics. Garcia III saw four subjects walking along Highway 83, stopped and asked if they needed a ride. Garcia III stated that when he saw the people on the side of the road he knew they were illegal and that he picked them up to make some extra cash before picking up the narcotics. Garcia III further stated that he was going to ask the illegal aliens to pay him whatever they could. Garcia III stated that he then drove east on Highway 83 for about 5-6 minutes before being stopped by Texas Department of Public Safety in Roma, Texas. Garcia III stated that this was his third time picking up aliens. Garcia III states that he unknowingly picked up two illegal alien on one previous occasion, and knowingly picked up five on another occasion.

**MATERIAL WITNESS STATEMENTS:**

All material witnesses were advised of their rights as per Service Form I-214 and all acknowledged their rights and were willing to make statements without the presence of an attorney.

**Material Witness #1:**

Jose Ovidio Hernandez-Cubias stated that he is a citizen and national of El Salvador. Subject stated that he made his smuggling arrangements with an unknown subject in El Salvador and agreed to pay \$3,000 U.S. dollars in El Salvador, then \$3,500 once smuggled into the United States. Hernandez-Cubias claims he crossed the river with 3 or 4 other people and waited a half hour before walking north to a nearby neighborhood. Hernandez-Cubias states he then waited approximately five to ten minutes before walking north and waving down a car. Hernandez-Cubias claims they were driving for approximately fifteen minutes and the driver asked them nothing. Hernandez-Cubias described the driver as having short hair and an unshaven beard and wore black clothing. Hernandez-Cubias was able to positively identify Amando Garcia III as the driver of the blue Chevrolet Malibu by circling and initialing photo #6 of a DHS six photo lineup.

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
McALLEN, TEXAS**

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**CONTINUATION:**

**Material Witness #2:**

Alvaro Antonio Gonzalez-Gallegos stated that he is a citizen and national of El Salvador. Subject stated that he made his smuggling arrangements with an unknown smuggler in El Salvador and was going to pay \$8,000.00 U.S. dollars to be smuggled into the United States. Gonzalez-Gallegos states he stayed at an unknown apartment in Miguel Aleman, Tamaulipas, Mexico for twelve days. Gonzalez-Gallegos states that he was then taken to the river. Gonzalez-Gallegos states that he then crossed by wading the Rio Grande River to the United States. Gonzalez-Gallegos states that they followed a guide who took him to a street where he was told by the guide to get into a dark colored car. Gonzalez-Gallegos states that the driver drove for around 8-10 minutes before letting us off the car. Gonzalez-Gallegos states that the driver made a phone call and nobody answered, so he dropped us off and told us he couldn't take us anymore. Gonzalez-Gallegos states that they started walking along the road until they were picked up by a man in a blue car. Gonzalez-Gallegos stated that the driver of the blue car told them he would drop them off at a gas station. Gonzalez-Gallegos described the driver as having short hair and a beard, and was medium skinned. Gonzalez-Gallegos was able to positively identify Amando Garcia III as the driver of the blue Chevrolet Malibu by circling and initialing photo #6 of a DHS six photo lineup.